

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FIRST CHOICE FEDERAL CREDIT UNION, AOD FEDERAL CREDIT UNION, TECH CREDIT UNION, VERIDIAN CREDIT UNION, SOUTH FLORIDA EDUCATIONAL FEDERAL CREDIT UNION, PREFERRED CREDIT UNION, ALCOA COMMUNITY FEDERAL CREDIT UNION, ASSOCIATED CREDIT UNION, CENTRUE BANK, ENVISTA CREDIT UNION, FIRST NBC BANK, ALIGN CREDIT UNION, NAVIGATOR CREDIT UNION, THE SEYMOUR BANK, FINANCIAL HORIZONS CREDIT UNION, NORTH JERSEY FEDERAL CREDIT UNION, NUSENDA CREDIT UNION, GREATER CINCINNATI CREDIT UNION, KEMBA FINANCIAL CREDIT UNION, WRIGHT-PATT CREDIT UNION, GREENVILLE HERITAGE CREDIT UNION and MEMBERS CHOICE CREDIT UNION, on Behalf of Themselves and All Others Similarly Situated,

and

CREDIT UNION NATIONAL ASSOCIATION, GEORGIA CREDIT UNION AFFILIATES, INDIANA CREDIT UNION LEAGUE, MICHIGAN CREDIT UNION LEAGUE, and OHIO CREDIT UNION LEAGUE,

Plaintiffs,

v.

THE WENDY'S COMPANY, WENDY'S RESTAURANTS, LLC, and WENDY'S INTERNATIONAL, LLC,

Civil Action No. 2:16-cv-00506-NBF-MPK

**DEFENDANTS' MOTION TO
DISMISS THE PLAINTIFFS'
CONSOLIDATED AMENDED
CLASS ACTION COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants The Wendy's Company, Wendy's Restaurants, LLC, and Wendy's International, LLC (collectively, "Defendants") hereby move this Court to dismiss all of the claims Plaintiffs assert against Defendants in the Consolidated Amended Class Action Complaint. (ECF No. 32). Plaintiffs' claims against Defendants should be dismissed because they fail to state a claim upon which relief may be granted for the reasons set forth in the Memorandum of Law in Support of Defendants' Motion to Dismiss the Plaintiffs' Consolidated Amended Class Action Complaint (and accompanying Exhibit A), which is filed contemporaneously herewith and incorporated herein by reference.

Dated: August 22, 2016

Respectfully submitted,

ALSTON & BIRD LLP

By: /s/ Kristine McAlister Brown
KRISTINE MCALISTER BROWN
Pro Hac Vice
CARI K. DAWSON
Pro Hac Vice Application Forthcoming
DONALD M. HOUSER
Pro Hac Vice
1201 West Peachtree Street
Atlanta, Georgia 30309-3424
Telephone: 404-881-7000
Facsimile: 404-881-7777
kristy.brown@alston.com
cari.dawson@alston.com
donald.houser@alston.com

Dominique R. Shelton
Pro Hac Vice
333 South Hope Street, 16th Floor
Los Angeles, California 90071-3004
Telephone: 213-576-1000
Facsimile: 213-576-1100

dominique.shelton@alston.com

STEPHEN S. STALLINGS, ESQUIRE

Stephen S. Stallings, Esquire

Pa. ID #205131

attorney@stevestallingslaw.com

The Osterling Building

228 Isabella Street

Pittsburgh, PA 15212

Tel.: (412) 322-7777

Fax: (412) 322-7773

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2016, I electronically filed the foregoing Defendants' Motion to Dismiss the Plaintiff's Consolidated Amended Class Action Complaint with the Clerk of Court using the CM/ECF system, which will send notice of filing to the email addresses for all counsel listed on the Electronic Mail Notice list.

/s/ Kristine McAlister Brown